

Exhibit L

61-56969
DG

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL by the OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on
APRIL 20, 2010

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MDL NO. 2179

SECTION: J

JUDGE BARBIER

MAG. JUDGE SHUSHAN

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1 practice and then specifically to MAR. So reading the
2 words there but also recollection, a MAR assessment was
3 not carried out on the -- on a range of contractor
4 activities because the -- the applicable -- the other --
5 the process was applied in the way that BP defines it.

6 Q. Well, let's see if we can go about it this
7 way. BP conducted a MAR assessment on all of the
8 BP-owned entities in the Gulf of Mexico, correct?

9 A. MAR is carried out on a BP -- the first thing
10 is to say which management system is an operation being
11 run under. So where an operation is under OMS, then MAR
12 is an element of the operating management system.

13 Q. Okay. Stop right there. On the BP-owned
14 facilities, Thunderhorse, Mad Dog, Na Kika, Marlin,
15 Atlantis, Pompano, Mad Dog, Horn Mountain, and Holstein,
16 those are all BP-owned facilities in the Gulf of Mexico,
17 they're all subject to OMS, and they all got a MAR
18 assessment, right?

19 A. So those subject to OMS --

20 Q. And they all got a MAR assessment?

21 A. -- come under MAR as an element of OMS.

22 Q. So they all got a MAR assessment because they
23 were part of OMS, right?

24 A. And my understanding is yes.

25 Q. All right. Now, in addition to those eight

1 facilities that BP owns in the Gulf of Mexico, it leases
2 a number of MODU from Transocean to explore and drill
3 for oil, right?

4 A. Correct. Yes.

5 Q. With respect to all of the MODUs -- and by the
6 way, DEEPWATER HORIZON was a MODU owned by Transocean
7 and leased to BP, right?

8 A. My understanding of that, yes.

9 Q. Did you know that it always had been leased to
10 BP, that the DEEPWATER HORIZON had never worked for
11 anybody but BP since 2001 when it was first created?

12 A. I recall reading that somewhere.

13 Q. Now, so BP is using this MODU that it has
14 leased continuously since its creation in the Gulf of
15 Mexico.

16 Is it your testimony that the DEEPWATER
17 HORIZON did not have the OMS system apply to it? First
18 of all, is that true?

19 A. There was no requirement to apply -- sorry. I
20 take that back. OMS requires that where BP is
21 contracting any service which is -- and I can't recall
22 the words, but they're not on a BP entity, then the
23 business which is contracting in that service reviews
24 the safety management system that the contractor is
25 using. And the question then is, is that safety

1 management system, will it deliver the same -- let me
2 remember the words. It's something like it will deliver
3 the same intent as OMS. The BP business is then
4 required to carry out some kind of gap assessment. And
5 the point is that the question is then what, if anything
6 additional, should be applied. And, of course, MAR is
7 an element of OMS, taking an isolation, one, may not be
8 the right thing to do. The other thing is that MAR is a
9 very high-level risk assessment.

10 Q. Okay. Do you remember what my question was?
11 Did BP do a MAR assessment on the DEEPWATER HORIZON?

12 A. No. It wasn't a requirement within the OMS
13 system.

14 Q. Did OMS apply to the DEEPWATER HORIZON?

15 A. No.

16 Q. Did BP do a gap assessment on the DEEPWATER
17 HORIZON?

18 A. I don't know how the contract was set up
19 because it's not -- not something I was involved in.

20 Q. Did BP do a gap assessment on any of the lease
21 facilities in the Gulf of Mexico?

22 A. I don't know because that's the business's
23 responsibility. It's not anything I would be involved
24 in.

25 Q. You were involved with looking at a gap

1 assessment after the DEEPWATER HORIZON exploded?

2 A. No, I was not.

3 Q. Okay. Well, we'll get to that in a second.

4 Q. If you could, go to Tab 96.

5 MR. WATTS: It's Exhibit 7178.

6 (Marked Baxter Exhibit No. 7178.)

7 A. Which tab again?

8 Q. 96?

9 A. 96.

10 Q. Now, if you go to the bottom of the page,
11 there's an E-mail that you wrote on May the 12th of 2010
12 to Tim Overton. Subject is "URGENT DRAFT -- GORC/SEEAC
13 Brief." Importance is high. You say: "Tim/Malcolm. I
14 am preparing a short brief for Tony Hayward SEEAC" on
15 "20 May (and will use it"... "necessary at GORC)" --
16 "use"... "if necessary at GORC) on how we apply 'risk
17 assessment' and how we are using the" engineering
18 technical practices "in the" Gulf of Mexico. "This has
19 taken on a bit more urgency as the Chairman has asked"
20 me -- "has asked to see me tomorrow morning."

21 The chairman has Carl-Henric Svanberg,
22 right?

23 A. Yes.

24 Q. So you're preparing a brief for Tony Hayward,
25 and you've asked to meet the chairman of the board of

1 detail, but this was part of just understanding how much
2 we were spending, and the various BP entities, they were
3 to continuously improve as -- as we picked up earnings
4 from Texas City.

5 THE VIDEOGRAPHER: Mr. Watts, you have
6 five minutes.

7 Q. (BY MR. WATTS) I want to follow up on that
8 last answer. Do you think that BP did a good job
9 following up with respect to the Texas City facility
10 itself in meeting the commitments that it made to the
11 government?

12 MR. GODFREY: Objection as to form.

13 Q. (BY MR. WATTS) Will you agree with me?

14 MR. GODFREY: Same objection.

15 A. I certainly think that -- that -- that BP
16 spent -- I don't know the exact figure or how many
17 hundred million or billion we spent in Texas City, but
18 there was a significant expenditure on integrity
19 management, on the recruitment of new employees,
20 et cetera, at the Texas City site. So there was a huge
21 commitment by the company continuously improve and learn
22 from the Texas City incident.

23 Q. Another continuous expenditure or a huge
24 expenditure was when the company got to pay OSHA 87
25 million dollars several years after the incident because

1 it failed to correct the safety problems at the rebuilt
2 Texas City plant. Did you know that you-all paid a fine
3 several years afterwards for failing to do what you were
4 required to do on your probation agreement?

5 A. I don't know the relationship of -- I don't
6 know the detail of that legal settlement. But all I can
7 say was there was a considerable investment in Texas
8 City and we aimed to learn and further improve as we
9 learn.

10 Q. But getting back to integrity management
11 spend, you-all tracked what it cost to implement the
12 integrity management standard in different facilities,
13 right?

14 MR. GODFREY: Objection as to form.

15 A. Not in detail. It was just to -- it was try
16 to get some understanding of the level of expenditure
17 across the company. And I can't remember how many
18 billions of dollars it was, but it was significant
19 expenditure across the company.

20 Q. (BY MR. WATTS) In that integrity management
21 spend documentation, can you tell the members of the
22 jury or the judge, whoever is watching this, how much
23 money is in the integrity management spend document for
24 the implementation of the integrity management standard
25 for the DEEPWATER HORIZON? Is there a single dollar?

1 A. There is BP -- does not apply its safety
2 management system to other activities where the
3 contractor has their own safety management system, and
4 so there -- there -- there is no requirement to
5 actually -- to bring the BP safety management -- the OMS
6 to actually apply that to the contractors' activities.
7 One interpretation of it may be that actually replacing
8 the contractors' safety management system could be
9 less -- less safer or than more safe. So it has to
10 be -- follow the OMS in terms of reviewing contractor
11 safety management system.

12 Q. But you're understanding is that with respect
13 to the DEEPWATER HORIZON owned by Transocean and leased
14 to BP, that BP was not required to implement its
15 integrity management system on the DEEPWATER HORIZON,
16 correct?

17 A. That is correct.

18 Q. Secondly, as a result, BP did not implement
19 its integrity management system on the DEEPWATER
20 HORIZON?

21 A. BP was not required to do so.

22 Q. It did not do so, true?

23 A. Yes.

24 Q. It did not implement its operation of
25 management system, the OMS, with respect to the

1 DEEPWATER HORIZON, right?

2 A. The answer is that -- that what I -- I don't
3 know what the business unit did in the context of
4 reviewing the DEEPWATER HORIZON safety management system
5 against the OMS, but there was no requirement to replace
6 the contractors' own safety management system with OMS
7 to my -- to my -- certainly that is the requirements as
8 laid out in OMS. What I don't know is what the business
9 unit did.

10 Q. Did you know that Tony Hayward called the OMS
11 framework a cornerstone of BP safety operations?

12 A. I don't recall that. I mean, I don't recall
13 him saying --

14 Q. If he said that, would you agree that it was a
15 cornerstone of BP's safety?

16 A. I think it's an extremely important element in
17 BP's safety. So if -- from my perspective, it is -- it
18 has brought significant change and improvement into the
19 organization.

20 Q. Okay.

21 THE VIDEOGRAPHER: You have one minute
22 remaining.

23 Q. (BY MR. WATTS) It was not implemented on the
24 DEEPWATER HORIZON as of April 20, 2010, true?

25 A. There was no requirement to implement it, so

1 it was not implemented.

2 Q. It had not been fully implemented on BP
3 facilities in the Gulf of Mexico by April 20, 2010,
4 true?

5 MR. GODFREY: Objection as to form.

6 A. The -- the transition -- the implementation of
7 OMS -- the -- the word "implementation" means that a
8 business has transitioned in a managed way from its
9 core management system to the OMS and that's done in a
10 state -- in a managed way where the step change on to
11 OMS. What I don't know is and my recollection is that
12 the Gulf of Mexico business unit had transitioned on,
13 had "implemented" is the word we used, which means it
14 was on OMS. So -- so my understanding it was and had
15 been reported to GORC, but I don't recall the detail.

16 MR. WATTS: Let's go off the record.

17 THE VIDEOGRAPHER: Off the record at 1:30
18 p.m., ending Tape 4.

19 THE VIDEOGRAPHER: On the record at 2:23
20 p.m., beginning Tape 5.

21 Q. (BY MR. WATTS) Mr. Baxter, I want to take you
22 back to Exhibit 7152, which is Tab 68. And on the
23 second page of that exhibit, we see that this is a
24 "Group Operations Risk Committee Pre-read for 31st July
25 2009," and I want to refer to you Page 118, which is a

1 A. Are we coming back to this one?

2 Q. (BY MR. WATTS) Let's go to Tab 8.

3 A. Tab 8.

4 MR. GODFREY: Exhibit 7158.

5 MR. WATTS: Yeah.

6 Q. (BY MR. WATTS) Go to Bates Page Number 273.

7 Do you remember this 2006-2010 HSSE Functional Plan? Do
8 you remember discussing this with me?

9 A. Yes.

10 Q. And it says, "six safety interventions," and
11 the next page has seven things.

12 A. Yes, I do. We looked at that this morning.

13 Q. Yeah. And we looked at No. 4, "Implement a
14 Group wide Contractor Safety Process in partnership with
15 Procurement Supply Change Management and group legal for
16 all contractors at all locations, including construction
17 and building contractors." Right?

18 A. I see the words there. What I don't know is
19 what action came out of that. However, looking at the
20 statement about DuPont, the OMS is based on the
21 DuPont -- DuPont and other world leading systems in
22 terms of a management system, some similarities to IMS,
23 which is the Exxon system, and then within that, there
24 are provisions for contractor safety management. I
25 don't know the detail of it because I don't get involved

1 in contractor safety management.

2 Q. Well, that's going to be my next question. If
3 you go back to Tab 81, which is the 2009 Annual
4 Engineering Plan for the Gulf of Mexico SPU.

5 A. Yes.

6 Q. Bates 808. Do you remember our discussion
7 about, "By July 1, 2010, Drilling and Maintenance
8 procedures will be complete"?

9 A. Just looking for that, if I can find it.

10 Q. Bottom of Practices and Procedures, last
11 bullet point.

12 A. But there's two things. One is the linkage of
13 this document I recall is dated 2005. This document is
14 dated 2010. And the practices that have been reported
15 if here are ones that derive from OMS, which apply to BP
16 entities. We don't imply them to our contractors.

17 Q. And you just saved yourself about 20 minutes
18 of your deposition. And that is that the OMS contractor
19 safety training that is required was not implemented on
20 the DEEPWATER HORIZON because BP did not own it, true?

21 MR. GODFREY: Objection as to form.

22 THE VIDEOGRAPHER: You have three more
23 minutes remaining --

24 A. The requirement -- let's step back to, OMS
25 requires that BP entities so OMS looks at people, plant,

1 process and performance. So people plan and process for
2 BP entities. It also requires that any contractor
3 activity, which is not operating in the BP entity, is
4 reviewed against OMS, which covers people, plant and the
5 process, i.e., procedures. And therefore, I do not know
6 the detail of what was done. But there should have been
7 a review done of the requirements against competency --
8 against BP OMS.

9 In addition, a module is operating as a
10 marine vessel, therefore, it would be national and
11 national requirements on the competency of the marine
12 crew, the drilling crew and others. I can't comment on
13 those, because they're not my experience, but having
14 been a naval officer onboard a nuclear submarine at sea,
15 certainly my experience was heavy regulation in terms of
16 the training competency of crews. I would expect the
17 same in U.S. waters.

18 MR. ALEXANDER: Objection, nonresponsive.

19 Q. (BY MR. WATTS) Can I have an answer to my
20 question? Do you remember my question?

21 A. Let's go back to it.

22 Q. Okay. My question was: Did the OMS
23 requirements for contractor safety and training get
24 implemented on the DEEPWATER HORIZON or not?

25 A. I don't know because there would not be

1 requirements through OMS so I don't know what was done.

2 Q. Go to 818, please.

3 A. Go to?

4 Q. 818. Same doc.

5 A. Oh, the same document.

6 Q. It says, "Drilling and completing wells with
7 the BP owned drilling rig (Thunder Horse) and contracted
8 MODUs operating in the SPU fleet, potentially exposes
9 the organization to blowouts and environmental spills.
10 As in 2008, the high pressure Thunder Horse wells are
11 considered to be the most vulnerable to this risk.
12 Planned activities towards managing blowout risks for
13 all BP owned risks are detailed below. And under the
14 2010 Action Plans, "Evaluate barrier effectiveness with
15 each rig team." That's set to occur in the fourth
16 quarter of 2010.

17 A. Can you just point me to where that says.

18 Q. Sure. Right here.

19 A. Thank you.

20 Q. Evaluate barrier effectiveness with each rig
21 team is set to occur in the fourth quarter of 2010,
22 right?

23 A. That's what it says here. As I say, it's not
24 an area I get involved in, so I'm not able to say
25 absolutely.

1 recollection is that in 2008 was when OMS and the
2 relevant GDP's were approved, including some
3 investigation that we've talked about. And then
4 businesses -- a series -- a number were used as pilots
5 to move from the previous BP safety management system
6 onto OMS. And then there was a plan over a period of
7 years for that to happen. I don't know the detail of
8 the plan, but that's available. I think we talked a bit
9 about it earlier in the day.

10 Q. All right. And as we've discussed -- well,
11 you have discussed earlier in the depo, BP's OMS program
12 did not apply to the DEEPWATER HORIZON?

13 A. The -- OMS refers to contractors. So anywhere
14 where BP is working -- BP is either -- has activities on
15 one of its own entities or has contractors working for
16 it, then the OMS does apply. The key point is you need
17 to see what the wording is in terms of what does apply.
18 So certain things do apply. So the key point is just
19 understanding what the scope of departments are and how
20 they're enacted. So that's why I -- I was not able to
21 say "yes" or "no" to your answer.

22 Q. (BY MS. DELEMARRE) Did any of the IM
23 standards that we've just identified on what has been
24 marked as Exhibit 7196 -- did any of those standards
25 apply to the DEEPWATER HORIZON?

1 A. Could you repeat that question again because I
2 didn't really understand the comment of standard? Do --
3 do you mean the IM standard which was superseded by the
4 IM GDP?

5 Q. I do indeed.

6 A. So it would depend when the Gulf of Mexico
7 transferred over from the old management system onto MS.
8 And my recollection is I don't have the exact date that
9 the Gulf of Mexico business unit had trans -- had
10 implemented OMS. And so, therefore, OMS was then
11 applicable and with the group defined practice,
12 integrity management, not the IM -- not the IM standard.
13 The IM standard had been retired in -- in the context of
14 the Gulf of Mexico.

15 Q. And when did the Gulf of -- of Mexico
16 transition to OMS?

17 A. I -- I don't know. It's -- OMS is -- as I've
18 said previously, OMS, the content owner for that is the
19 group head of operations. So he oversees the
20 implementation of OMS in the company. My
21 responsibilities relate to IM and integrity management
22 and the engineering technical practices.

23 Q. But IM has been superseded, right?

24 A. No. They -- the IM standard was superseded by
25 the IM group-defined practice.

1 Q. Okay. So you are now responsible for the IM
2 group-defined practice?

3 A. Yes.

4 Q. All right. But that doesn't apply to a rig
5 such as the DEEPWATER HORIZON?

6 A. And it --

7 Q. How about this: Why don't you -- why don't
8 you give me a "yes" or a "no," and then -- and then I'll
9 say, "Why?" and you'll explain and that way the record
10 will be clear.

11 MR. GODFREY: Or I can object to the use
12 of the word "apply."

13 MS. DELEMARRE: Okay. Well, go ahead.

14 MR. GODFREY: Objection to form.

15 MS. DELEMARRE: All right.

16 Q. (BY MS. DELEMARRE) Now "yes" or "no," does
17 the group-defined practice for integrity management
18 apply to a rig such as the DEEPWATER HORIZON?

19 A. My recollection with -- through the -- the
20 OMS, it doesn't.

21 Q. Okay.

22 A. So no.

23 Q. Would you care to explain why?

24 A. Well, the -- the -- as I've said previously,
25 BP's safety management system, be it the previous one

1 that was replaced by OMS or OMS, covers both BP's
2 activities and BP entities where BP is using
3 contractors. And the arrangements are that where BP has
4 had a contractor and the contractor's activities with
5 its own safety management system, BP will review the
6 difference between the contractor safety management
7 system and BP's safety management system and come -- and
8 then look at any gaps to see whether the contractor
9 safety management system will deliver what BP aims to do
10 with its own safety. So it's looking at really what
11 BP's view is of the contractor safety management system,
12 and then decisions are made as to whether anything
13 additional is required of the contractor in relation to
14 their safety management system or whether the contractor
15 uses their own safety management system. That's why I
16 was struggling to -- to actually give you the answer in
17 terms of a "yes" and "no."

18 Q. All right. I believe you testified earlier
19 today that you did not know whether or not a gap
20 analysis had been conducted for the DEEPWATER HORIZON,
21 correct?

22 A. I did not know whether one had been conducted.

23 Q. Who would know?

24 A. The answer is I -- I -- I don't know who
25 would -- who would know that within Gulf of Mexico

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REPORTER'S CERTIFICATE

I, Donna L. Garza, Certified Court Reporter,
State of Louisiana, State of Texas, do hereby certify
that the above-mentioned witness, after having been
first duly sworn by me to testify to the truth, did
testify as hereinabove set forth;

That the testimony was reported by me in shorthand and
transcribed under my personal direction and supervision,
and is a true and correct transcript, to the best of my
ability and understanding;

That I am not of counsel, not related to counsel or the
parties hereto, and not in any way interested in the
outcome of this matter.

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OP-30971
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL by the OIL RIG
“DEEPWATER HORIZON” in the
GULF OF MEXICO, on
APRIL 20, 2010

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SECTION: J

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1 THE VIDEOGRAPHER: On the record at
2 8:40 a.m., beginning of Tape 1 [sic].

3 JOHN BAXTER,
4 having been previously sworn, testified as follows:

5 E X A M I N A T I O N

6 BY MR. ALEXANDER:

7 Q. Mr. Baxter, for the record, my name is Ben
8 Alexander. I represent Transocean.

9 How are you today, sir?

08:40 10 A. Fine, thank you. Good morning.

11 Q. Good. Good morning.

12 Yesterday, you mentioned -- and correct me
13 if I'm wrong -- but that BP's OMS did not apply to the
14 DEEPWATER HORIZON because it was not a BP-owned
08:40 15 facility; is that right?

16 THE VIDEOGRAPHER: It's right there

17 MR. ALEXANDER: Sorry. Do I need to
18 repeat the question?

19 THE VIDEOGRAPHER: Yes. Please.

08:40 20 MR. ALEXANDER: Okay. Sorry.

21 THE VIDEOGRAPHER: That's okay.

22 Q. (BY MR. ALEXANDER) Okay. Once again,
23 Mr. Baxter -- I apologize. I have the mike on now.

24 Yesterday, I understood you to have
08:40 25 testified that BP's operating management system did not

1 apply to the DEEPWATER HORIZON because it was not a
2 BP-owned facility. Am I correct in that understanding?

3 A. My recollection is that I explained that OMS
4 is a BP management -- safety management system which
08:41 5 applies to BP entities. It does have provisions for
6 where BP is working with contractors. And where the
7 contractors aren't working at a BP site, then it would
8 review the contractor safety management system. And BP
9 requires that it's contractors have safety management
08:41 10 systems of their own.

11 Q. And -- and that's what I want to clarify.
12 Because my understanding -- and I hope you would
13 agree -- is that the Macondo 252 well was a BP-owned
14 asset, was it not?

08:41 15 MR. GODFREY: Objection as to form.

16 A. I don't get involved in leaseings and -- so I
17 don't understand the detail of the leasing arrangement.
18 The key point to my understanding is that Transocean was
19 responsible for the operation of the vessel working on
08:41 20 that well with the master, the OM, the driller, the tool
21 pusher, a series of people who had specific
22 responsibilities in terms of operations on the well.
23 But as I say, I don't get involved in the contractual
24 arrangements, so I don't know the detail.

08:42 25 Q. (BY MR. ALEXANDER) Well, surely you

1 understand, though, that Transocean does not provide
2 engineering services or work in connection with the
3 drilling of deep water wells?

4 A. I don't know what Transocean provides or
08:42 5 doesn't provide. But, nevertheless, Transocean were
6 responsible for having a safety management system for
7 the management of their vessel, which was a deep
8 seagoing marine vessel; and under international law, the
9 master of that vessel has an absolute responsibility for
08:42 10 safety of the vessel for safety of the personnel on
11 board and also for any environmental effect.

12 MR. ALEXANDER: Object to the response.

13 THE COURT REPORTER: Okay. Hold one
14 second.

08:42 15 THE VIDEOGRAPHER: I need -- I need to go
16 off the record one second.

17 MR. ALEXANDER: Sure.

18 THE VIDEOGRAPHER: Off the record at
19 8:43 a.m.

08:44 20 (Break from 8:43 a.m. to 8:46 a.m.)

21 THE VIDEOGRAPHER: On the record at
22 8:46 a.m., beginning of Tape 9.

23 Q. (BY MR. ALEXANDER) Mr. Baxter, you have
24 reviewed the Bly report, have you not?

08:46 25 A. I've certainly read it and reviewed it, yes.

1 THE STATE OF TEXAS)
2 COUNTY OF HARRIS)
3

4 I, Donna L. Garza, Certified Shorthand
5 Reporter in and for the State of Texas, do hereby
6 certify that the above and foregoing contains a true and
7 correct transcription of all portions of evidence and
8 other proceedings in the above-styled and numbered
9 cause, all of which occurred and were reported by me.

10 I further certify that I am neither counsel
11 for, related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on
16 this, the ____ day of June, 2011.



Donna Garza

DONNA L. GARZA, TEXAS CSR NO. 4785
Expiration Date: 12-31-11

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